

REMARKS

The non-final Office Action dated September 3, 2004 has been reviewed and the comments of the Office Action have been considered. Claims 1-25 and 46-50 were canceled without prejudice or disclaimer in the Preliminary Amendment filed November 19, 2003. Claims 42-45 are withdrawn pursuant to a restriction requirement issued on June 3, 2004. Claims 26, 28, 30, and 32 have been amended. New claims 51-88 have been added. Accordingly, reconsideration of claims 26-45 and 51-88 is requested.

Applicant thanks the Examiner for indicating that claims 32-34 would be in condition for allowance if rewritten into independent forms. Because claim 32 was originally-presented in multiple dependent form, claim 32 has been rewritten into three new independent claims: claims 51, 52, and 53. Accordingly, claims 51-53 are in condition for allowance.

Claims 26-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,613,720 to Welch. Insofar as the rejection is applicable to amended claims 26, 28, and 30, applicant respectfully traverses the rejection because Welch fails to teach or suggest the claimed invention as a whole.

Each of amended claims 26, 28, and 30 recites a dry pipe valve sealing assembly that includes, *inter alia*, a seat body and a clapper. The seat body includes a first seating surface offset to a second seating surface. The clapper has a solid surface that extends from the first seating surface to the second seating surface of the seat body. Support for this amendment to claims 26, 28, and 30 is provided by the originally-filed application at, for example, page 6, lines 1-12, and Figures 10-12.

In contrast, Welch shows, in Figure 2, a valve plug assembly 12 of a sanitary check valve. The valve plug assembly 12 has a swingable valve member 42 with hinges 44 and 46. The hinges 44 and 46 are defined by cut-outs through the surface of the swingable member 42 instead of a solid surface that extends from seat surface 20 to proximate groove 36, which provides another seating surface. Welch thus fails to show or describe a clapper with a solid surface that extends from the seat surface 20 to groove 36. Accordingly, claims 26, 28, and 30 are patentable because Welch fails to teach or suggest the claimed invention as a whole.

Applicant has added claims 56, 76, 83, and 88 to more particularly point out and distinctly claim the subject matter of applicant's invention. In particular, claim 56 recites a dry pipe valve

sealing assembly that includes, *inter alia*, seat body with offset first and second seat body axes and a clapper with a polymeric seal where the clapper has a solid surface extending between the seating surfaces of a seat body. Support for claim 56 is provided by the originally-filed application at, for example, page 6, lines 1-12, and in Figures 10-12.

Claim 76 recites a fire protection system that includes, *inter alia*, a seat body with offset first and second seat body axes and a clapper with a polymeric seal where the clapper has a solid surface extending between first and second seating surfaces of the seat body. Support for claim 76 is provided by the originally-filed application at, for example, page 6, lines 1-12, page 8, lines 9-18, and in Figures 10-12 and 24.

Claim 83 recites a method of operating a dry pipe valve that can be achieved by, among other features, providing a seat body that has first and second seating surfaces offset to each other; applying a first fluid pressure to a first effective surface area of a first operative side and a second fluid pressure to a second effective surface area of the second operative side offset to the first effective surface area and having less than five times the first effective surface area, where the second operative side includes a solid surface that extends from the first seating surface to the second seating surface. Support for claim 83 is provided by the originally-filed application at, for example, page 6, lines 13-28, and in Figures 7, 12, and 16.

Claim 88 recites a dry pipe valve sealing assembly that includes a seat body having a first seating surface and a second seating surface cincturing the first seating surface. The first seating surface defines a passage having a first seat body axis and the second seating surface defines a second body axis offset to the first seat body axis. The assembly includes a member that pivots about an axis between a first position to occlude flow of fluid through the passage of the seat body and a second position to permit fluid flow through the passage. The member has first and second operative sides where the second operative side has a second solid effective surface area less than five times a first solid effective surface area of the first operative side. The second effective surface area having a solid surface that extends between the first and second seating surfaces. Support for new claim 88 is provided by the originally-filed application at, for example, page 7, lines 11-31, and in Figures 2-12. The claimed invention as a whole, as recited by each of claims 56, 76, 83, and 88 are not shown or described by Welch. Accordingly, claims 56, 76, 83, and 88 are patentable.

Applicant respectfully requests rejoinder of claims 42-45 because of the presence of linking claim 76. Claim 76 recites, among other features, the allowable subject matter of amended claim 26

with the subject matter of a fire protection system (recited in claim 42). Applicant respectfully asserts that claim 76 is a linking claim pursuant to MPEP § 809.13 (8th Ed., Rev. 2, May 2004, p. 800-52) because both claims 26 and 42 recite generic features common to both inventions such that a restriction between claims 26 and 42 is inappropriate because the two inventions are now linked via claim 76. Applicant also asserts that claims 42-45 and 76 are allowable because Welch fails to show or describe a fire protection system, as recited in claim 42 or a dry pipe sealing assembly having at least the feature of a clapper having a solid surface between first and second seating surfaces of a seat body, as recited in claim 76. Accordingly, claims 42-45 and 76 are in condition for allowance.

Applicant has also added new claims 83 and 88 to, respectively, a method of operating a dry pipe valve and a dry pipe valve sealing assembly. The method recited in claims 83-87 is linked to the dry pipe valve sealing assembly recited in claim 26 by new claim 88 based on the recitation of the feature of “a member that pivots” in claim 88. Applicant respectfully asserts that claim 88 is a linking claim pursuant to MPEP § 809.13 because both claims 26 and 83 recite generic features common to both inventions such that a restriction between the apparatus of claim 26 and the method of claim 83 is inappropriate because the two inventions are now linked via claim 88. Applicant also asserts that claims 83-88 are allowable because Welch fails to show or describe at least the feature of a clapper that has a solid surface extending between first and second seating surfaces of a seat body. Accordingly, claims 83-88 are in condition for allowance.

Claims 27, 29, 31, 33, 34, 43-45, 54, 55, 57-75, 77-82, and 84-87 depend from one of allowable claims 26, 28, 30, 32, 42, 51-53, 56, 76, 83, and 88, are also allowable for at least this reason, as well as for reciting additional features.

In view of the foregoing, applicant respectfully submits that the pending claims 26-45 and 51-88 are in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the examiner is respectfully requested to contact the undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted

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